

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC., PLATINUM )  
MOTORS, INC., MATTINGLY AUTO SALES, )  
INC., and YOUNG EXECUTIVE )  
MANAGEMENT & CONSULTING )  
SERVICES, INC., individually and on behalf of )  
other members of the general public similarly )  
situated, )

Plaintiffs, )

v. )

COX ENTERPRISES, INC., COX )  
AUTOMOTIVE, INC., NEXTGEAR CAPITAL, )  
INC. F/K/A DEALER SERVICES )  
CORPORATION, successor by merger with )  
Manheim Automotive Financial Services, Inc., )  
and JOHN WICK, )

Defendants. )

Case No. 1:14-cv-01589-TWP-DKL

**DEFENDANTS' PRELIMINARY WITNESS AND EXHIBIT LIST**

Defendants NextGear Capital, Inc., Cox Enterprises, Inc., Cox Automotive, Inc., and John Wick respectfully submit the following Preliminary Witness and Exhibit List pursuant to the Court's Case Management Plan [Doc. 144].

**Preliminary Witness List**

Defendants may call the following witnesses at trial:

1. Adam Galema
2. John Wick
3. Kay Hull
4. Donald Richardson
5. Devon London

6. Sharon Roach
7. Barry Mattingly
8. Denise Mattingly
9. Nicol Perry
10. Any current or former employees or representatives of NextGear Capital, Inc., Dealer Services Corporation, Manheim Automotive Financial Services, Inc., Cox Enterprises, Inc., or Cox Automotive, Inc. with knowledge of the subject matter of this dispute.
11. Representatives of auction houses who have done business with Defendants and/or with Plaintiffs.
12. Any current or former employees or representatives of plaintiffs with knowledge of the subject matter of this dispute.
13. Any member of or representative of any member of the putative class (or certified class, if a class is certified).
14. Any expert disclosed in accordance with the Case Management Plan.
15. Any fact or expert witness needed to address class certification issues.
16. Any person deposed in this matter.
17. Any witness identified through discovery as having knowledge of the subject matter of this litigation.
18. Any other person(s) having knowledge of facts regarding Plaintiffs' claims and/or Defendants' defenses in this matter.
19. Any witness called, deposed, and/or listed by Plaintiffs in this matter.
20. Any witness necessary to authenticate a document.
21. Any witness necessary for impeachment or rebuttal.

### **Preliminary Exhibit List**

Defendants may introduce the following exhibits at trial:

1. All documents produced by any party in this litigation.
2. Any documents that are introduced as exhibits to any deposition in this proceeding.
3. Any exhibits to any filings in the record of this action.
4. Any documents produced in this action by any non-party pursuant to subpoena or informal discovery.
5. Any documents produced pursuant to court order in this action.
6. Any video recordings and/or transcripts of depositions taken in connection with this action.
7. Any report(s) prepared by any expert witness retained by Defendants and any supplemental, amended, and/or rebuttal reports prepared by any expert witness retained by Defendants.
8. Any documents relied upon by Defendants' expert witness(es), including but not limited to those attached to their expert witness reports.
9. Any documents needed to oppose class certification and/or relevant to the claims of putative class members.
10. All written discovery responses.
11. Any document identified through discovery as being relevant to the subject matter of this litigation.
12. Any document or exhibit which comes up in or which becomes significant as a result of remaining discovery.
13. Any document relevant to Plaintiffs' claims and/or Defendants' defenses in this matter.

14. Any document needed for impeachment of any witness or for rebuttal.

Respectfully submitted, this 14th day of October, 2016.

s/ David J. Jurkiewicz

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been served upon the following counsel of record via the Court's electronic service notification system, this 14th day of October, 2016:

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